K 1941.

File No. Wages II/41

Legal DEPARTMENT.

B BRANCH

Subject:—

Rules and Notifications

the Payment of Wages Act.

1936

PRC

File No. Wages II/41

Stl. Sectt. Slip 24 B e.

376-B.

CONTENTS

Legal Department File No Wages II/41

Cr. No.	Cumulation No.	Subject	Pages
1.	U.R. to P.& S.D. No. 5682 dated 27th June 1941	Payment of Wages Act, 1936 — Sec. 7 (2) (c) and Sec. 11 — Notification under	1-6
2.	U.R. to P.& S.D. No 5543 dated 23rd June 1941	— Sec. 2 — order under —	7-10
3.	U.R. to P. & C.D. No. 8466 dated 26th Sept. 1941	— Sec. 7 (2) (c) — Notification under —	11-14
4.	U.R. to P.& S.D. No. 9152 22nd Oct. 1941	Sec... 1(5) — Notification under —	15-20
5.	U.R. to P. & S.D. No. 10700 dated 15/12/41	— Do —	21-26

Cr/[illegible]/5

Sme 19/5/56

AGK 19-5-56.

Office of the R.L.A.

A revised draft notification is sent herewith

2. The condition "Reasonable charges are made" against items Nos. 6 and 13 of the P. & S.D. draft at page 75 is vague and indefinite. P. & S.D. may consider whether it would not be more a propriate to prescribe the condition as follows:-

"The deduction made shall not exceed such amount as the Commissioner of Labour may authorise in this behalf".

3. The amenity specified at No. 14 in P.& S.D. draft is "Subscriptions to Departmental Aid Funds". These funds are however maintained by the employees themselves (see page 33) Under section 7(2) (e) the Provincial Government can authorise deductions only for such amenities and services as are supplied by the employer. This item has therefore been deleted from the revised notification.

4. The Commissioner of Labour has raised the question whether deductions can be made in respect of Security Deposits and the Mutual Assurance Fund Maintained by the Railway. The Security Deposits are presumably required by the Railway from the employees for the purpose of safeguarding itself. They cannot therefore be regarded as amenities provided by the Railway. As regards the Mutal Assurance Fund, it is presumed that this is maintained by the Railway for the benefit of its employees. It can therefore regarded as an amenity and it would be open to Government to authorize deductions in respect of it.

Sd/-
Remembrancer of Legal Affairs.

U.R. to P. & S.D. No 5692 dated the 27th June 1941

Ur/25/4

ORDER.

Political and Services Department
Bombay Castle, 1941

The Payment of Wages Act, 1936

No. 3829/34-E. For the purposes of clause (c) of sub-section (2) of section 7 and of section 11 of the Payment of Wages Act 1936, (IV of 1936), the Government of Bombay is pleased to authorise deductions from the wages of persons employed on the Tarur-Manmad Section of H.E.H. the Nizam's State Railway in the Province of Bombay, for the amenities and services mentioned in column (1) of the Schedule hereto annexed, subject to the conditions specified in column (2) of the said Schedule and subject to the further condition that no deduction for an amenity or service supplied to any person shall be made unless such person authorizes in writing the making of such deduction.

SCHEDULE

Amenities and services.	Conditions.
1.	2.
1. Supply of food stuffs and other necessaries of life.	No profit is made.
2. Use of Railway Clubs.	-
3. Use of Railway Institutes	-
4. Contributions to thrift societies	-
5. Supply of clothing and balkets.	No profit is made.
6. Supply of light and water.	-
7. Eduction.	-

Mr/25/4

1		2
8.	Services rendered by Medical Officers to the family of the employed person.	-
9.	Replacement of electric fittings and other articles supplied in the residential houses and quarters.	-
10.	Conservancy arrangements provided in the residential houses and qurters.	-
11.	Supply of ~~extr~~ diet in hospitals of H.E.H. the Nizam's State Railway.	-
12.	Supply of articles ~~manufactured~~ made in workshops maintained by the employer to the order of the employed person.	-
13.	Supply of articles from the stock in the departments of H.E.H. the Nizam's State Railway.	-
14.	The Mutual Assurance Fund Maintained by the H.E.H. the Nizam's State Railway	-
15.	Contributions to the Mutual Family Benefit Funds, maintained by H.E.H. the Nizam's State Railway	-
16.	Supply of Coffins by H.E.H. the Nizam's State Railway.	-

By order of the Governor of Bombay,

Chief Secretary to Government

Mr/25/4

Office of the R.L.A.

A revised draft order is sent herewith.

Sd/- 21/6/

For Remembrancer of Legal Affairs.

U.R. to P. & S.D. , No 5543 dated the 23rd June 1941

Lr/2/54x 25/4

O R D E R

Political and Services Department,
Bombay Castle 1941

The Payment of Wages Act, 1936

No.] .- For the purposes of paragraph (a) of clause (VI) of section 2 of the Payment of Wages Act, 1936, (IV of 1936), the Government of Bombay is pleased to order that in respect of the persons employed on the Tarur-Manmad section of His Exalted Highness the Nizam's State Railway, the value of the following amenities and services, when such amenities and services are supplied to them free by their employer, shall be excluded from the definition of the term "wages", namely:-

(1) Blankets and clothing.
(2 Medicines and diet.
(3) Firewood and fuel
(4) Education.

By order of the Governor of Bombay,

Chief Secretary to Government.

Hr/25/4

Office of the R.L.A.

The draft notification at page 4[illegible]

onto is legally in order.

Sd/-

For Remembrancer of Legal Affairs.

U.R. to P. & S.H. No 84 66 dated the 26th September 1941

Mr/25/4

Political & Services Department.
Bombay Castle, September 1941

Notification

.Payment of Wages Act, (IV of 1936)

No. 3829/34.- In exercise of the powers conferred by clause (k) of sub-section (2) of section 7 of the Payment of Wages Act, 1936 (IV of 1936), the Government of Bombay is pleased to declare all War Savings Schemes which are administered by the Administration of H.E.H. the Nizam's State Rly. and which enable persons employed on that Rly. to purchase any of the following securities of the Government of India, namely:-

1) the Govt. of India Defence Bonds,

2) the Post office Ten Year Defence Savings Certificates,

to be approved War Savings Schemes for the purposes of the said clause, in respect of the staff employed on the Tarur-Manmad Section of H.E.H. the Nizam's State Rly. situated in the Province of Bombay

By order of the Govr. of Bd

Chief Secretary to Govern

Office of the R.I.A.

Under the provisions of sub-section (5) of section 1 of the Payment of Wages Act, 1936, it is obligatory on th Government of Bombay to give three months' notice of its intention to extend any of the provisions of the Act. The necessary date should therefore be inserted in the draft notification I sent herewith.

After the expiry of the period of 3 months' notice, it will be necessary to issue another notification actually extending the provisions of the said Act. Draft notification II for the purpose is also sent herewith. It would be desirable to extend the provisions of section 2 and 26 to the mines in question. This has been done in the revised draft notifications. P. & S.D. may consider whether the provisions of section 4, 23 and 25 should not also be applied to these mines.

Sd/-
13/10

Remembrancer of Legal Affairs.

U.R. to P. & S.D. No. 9152 dated the 22nd October 1941

Ur/25/4

NOTIFICATION

Political and Services Department
Bombay Castle, 1941

The Payment of Wages Act, 1936

No. 3717/34.- In exercise of the functions of the Central Government under sub-section (5) of section 1 read with section 24, of the payment of Wages Act, 1936 (IV of 1936), entrusted to the Government of Bombay by the notification of the Government of India, in the Department of Labour, No. M. 1268, dated the 6th August 1941, in relation to mines which are declared by the Government of Bombay to be factories under section 5 of the Factories Act, 1934 (XXV of 1934 and are not subject to the operation of the Indian Mines Act, 1923 (IV of 1923), the Government of Bombay is pleased to give notice of its intention to extend with effect from the ..... day of ..... 19 , the provisions of sections 2,3,4,5,6,15 to 22 (both inclusive) and 26 of the said Payment of Wages Act 1936 (IV of 1936), to the payment of wages to all classes of persons employed in the said mines.

By order of the Governor of Bombay,

Chief Secretary to Government.

II

NOTIFICATION

Political and Services Department,
Bombay Castle, 1941

The Payment of wages Act, 1936

No. 3717/34.- In exercise of the functions of the Central Government under sub-section(5) of section 1 read with section 24, of the Payment of Wages Act 1936 (IV of 1936), entrusted to the Government of Bombay by the notification of the Government/of/ of India in the Department of Labour, No.-M1268, dated the 6th August 1941, in relation to mines which are declared by the Government of Bombay to be factories under section 5 of the Factories Act, 1934 (XXV of 1934), and are not subject to the operation of the Indian Mines Act, 1923 (IV of 1923), the Government of Bombay is pleased to extend with effect from then..... day of ..... 1942 , the provisions of sections 2,3,4,5,6,15 to 22 (both inclusive) and 26 of the said Payment of Wages Act, 1936 (IV of 1936), to the payment of wages to all classes of persons employed in the said mines.

By order of the Governor of Bombay,

Chief Secretary to Government.

Mr/25/4

Office of the R.L.A.

Revised draft notifications are sent herewith.

2. By Government Notification in the Political and Services Department, No 9639, dated 11th February 1939, the provisions of sections 3,4,5,6 and 15 to 22 (both inclusive) of the Payment of Wages Act, 1936, have been extended with effect from the 27th day of February 1938 to the payment of wages to all classes of persons employed in industrial establishments or classes of industrial establishmentwhich have been or may be declared to be factories under section 5 of the Factories Act, 1934, for all or any of the purposes of that Act. Therefore, it does not seem necessary to extend the same sections again with effect from 1 st April 1942 , as proposed by the P. & S.D. in the draft notifications at pages 97-98. These sections have therefore been omitted from the revised draft notification.

Sd/-

For Remembrancer of Legal Affairs.

U.O. R. to P. & S.D., 10790, dated the 15th December 1941 .

Hr/25/4

I

NOTIFICATION

Political and Services Department

Bombay Castle. 1941

The Payment of Wages 1936.

No. .- In exercise of the powers conferred by sub-section (5) of section 1 of the Payment of Wages Act, 1936 (IV of 1936), the Government of Bombay is pleased to give notice of its intention to extend with effect from the * * day of * * 1942, the provisions of sections 2,14,23 and 26 of the said Act to the payment of wages to all classes of persons employed in those industrial establishments/or classes/of industrial establishments which have been or may be declared to be factories under section 5 of the Factories Act, 1934(XXV of 1934) for all or any of the purposes of that Act.

* * To be filled in

By order of the Governor of Bombay

Chief Secretary to Government.

Ur/25/4

II

Notification

Political & Services Department.

Bombay Castle 1941

No. — In exercise of the powers conferred by sub-section (5) of section 1 of the Payment of Wages Act, 1936 (IV of 1936), the Government of Bombay is pleased to extend with effect from the ** day of ** 1942, the provisions of section 2, 14, 23 and 26 of the said Act to the payment of wages to all classes of persons employed in those industrial establishments or classes of industrial establishments or classes of industrial establishments which have been or may be declared to be factories under section 5 of the Factories Act, 1934 (XXV of 1934) for all or any of the purposes of that Act.

The Payment of Wages Act, 1936.

** To be filled in.

By order of the Governor of Bombay,

Chief Secretary to Government.

Hr/25/4

SNR 19/5/56

DAK 19-5-56